

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARLOS SUBER,

Plaintiff,

v.

FREDRICK LEMONS, et al.,

Defendants.

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No. 4:15-CV-1363 RWS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motions for appointment of counsel and for extension of time. The motions for appointment of counsel are denied. The motion for extension of time is granted, but no further extensions will be given.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005. Plaintiff has presented non-frivolous allegations in his complaint. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex. As a result, the Court will not appoint counsel at this time.

Plaintiff also requests an additional 30 to 60 days to respond to Defendants' motion to dismiss. Defendants filed their motion to dismiss on October 19, 2016. Plaintiff has already had a significant amount of time to prepare his response brief. As a result, I will grant his request for an extension of 30 days, but **no further extensions of time will be granted**. Plaintiff must file his response within 30 days. If he fails to do so, the Court will dismiss this action for failure to prosecute.

Accordingly,

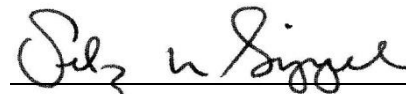
IT IS HEREBY ORDERED that plaintiff's motions for appointment of counsel are **DENIED**. (Docs. 10, 35)

IT IS FURTHER ORDERED that plaintiff's motion for extension of time is **GRANTED**. (Doc. 37)

IT IS FURTHER ORDERED that plaintiff must file his response no later than 30 days from the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to file his response within 30 days, the Court will dismiss this action.

Dated this 23rd day of February, 2017.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE